



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set a Public Hearing for June 18, 2003, to consider the appeal of Ann M. Cerney and Citizens for Oper Government regarding the Planning Commission's approval of the request of Jim Marion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act

**MEETING DATE:** June 4, 2003

**PREPARED BY:** J.D. Hightower, City Planner

**RECOMMENDED ACTION:** Affirm the Planning Commission's certification of the Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the **California** Environmental Quality Act.

**BACKGROUND INFORMATION:** On September 12, 2002, the Planning Commission directed staff to prepare an Environmental Impact Report for the Vintner's Square Shopping Center. The Final EIR was prepared in the manner prescribed by the California Environmental Quality Act. Upon completion and circulation of both a Draft E.I.R. and Final E.I.R., the Planning Commission certified the E.I.R. at its May 14, 2003 meeting.

**FUNDING:** None required

Konradt Bartlam  
Community Development Director

Prepared by: J.D. Hightower, City Planner

**APPROVED:**

H. Dixon-Flynn -- City Manager



**CITY OF LODI**  
**Carnegie Forum**  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: June 18, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

**EXHIBIT A**

**NOTICE OF PUBLIC WEARING**

NOTICE IS HEREBY GIVEN that on **Wednesday, June 18, 2003** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Wearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the Following matter:

- a) appeal from **Ann M. Cerney** and Citizens for Open Government regarding the Planning Commission's approval of the request of **Jim Manion**, on behalf of **Lowe's**, to certify a Final Environmental impact Report for the **Vintner's Square Shopping Center** pursuant to the California Environmental Quality Act

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Pubiic Hearing described in this notice or in written correspondence deiivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: June 4, 2003

Approved as to form

Randal!A Hays  
City Attorney

# EXHIBIT B

## Lowes EIR Appeal

1. 02705003;MEIER, EMMA ;345 E TAYLOR RD ;LODI ;CA;95242
2. 02705010;PARISIS, ANGELOS S ;9949 FERNWOOD AVE ;STOCKTON ;CA;95212
3. 02705011;KABA, MIYOKO ;2332 ROCKINGAAM CIR ;LODI ;CA;95242
4. 02705020;HEDRICK, LAMAR A & JOANN A TR ;209 E HWY 12 ;LODI ;CA;95242
5. 02705021;MEXICAN AMER CATHOLIC FED ;PO BOX 553 ;LODI ;CA;95241
6. 02706003;CULBERTSON, STEVEN S & T E ETA;3008 ROSEWOOD DR ;LODI ;CA;95242
7. 02706005;MCNEIL, DANIEL R & S M ;441 TAYLOR RD ;LODI ;CA;95240
8. 02706009;SANCHEZ, DOMINGO ;517 TAYLOR RD ;LODI ;CA;95240
9. 02706012;REISWIG, KENNETH C ETAL ;246 NORTH LOMA ;LODI ;CA;95240
10. 02706013;ROBERSON, KENNETH A & RITA G ;619 TAYLOR RD ;LODI ;CA;95242
11. 02706015;FINKELSTEIN, JAY & DONNA ;360 RANELAGH RD ;HILLSBOROUGH ;CA;94010
12. 02706027;VANDER HEIDEN, BEN & KENEE D ;681 TAYLOR RD ;LODI ;CA;95242
13. 02706028;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95242
14. 02706029;ZAPARA, RANDY K & M A ;695 E TAYLOR RD ;LODI ;CA;95240
15. 02706034;SMITH, DANA C & DEANNA L ;211 S AVENA AVF ;LODI ;CA;95240
16. 02706035;WILLIAMS, DAVE A & KATHLEEN R ;1100 INTERLAKEN DR ;LODI ;CA;95242
17. 02706036;WAGNER, LESTER & M ;15472 HILDE LANE ;LODI ;CA;95240
18. 05803001;REICHMUTH, CAROLYN HINES ;1358 MIDVALE RD ;LODI ;CA;95240
19. 02704010;KIRIU, TOM & 'TERRY TRS ;1212 S LOWER SAC RD ;LODI ;CA;95242
20. 02705023;GEWEKE FAMILY PTP ;PO BOX 1210 ;LODI ;CA;95241
21. 02704011;VLAVIANOS, ROBERT ;1224 S LOWER SAC RD ;LODI ;CA;95242
22. 02704087;BROOKHURST SHOPPING CENTER LLC;1371 OAKLAND BLVD SUITE 200  
;WALNUT CREEK ;CA;94596
23. 02704089;OREGON FOOD STORES INC ;1801 OAKLAND BLVD SUITE 210 ;WALNUT CREEK  
;CA;94596
24. 02704090;GILL LODI LLC ;GLENFIELD, LEICESTER LE35NG ;UNITED KINGDOM ;  
;00000
25. 02733003;TRACY, JEFFREY L & TAMRA ;2426 BRITI'ANY CT ;LODI ;CA;95242
26. 02733004;MATHEWS, RICHARD E & DORENE ;2432 BRITTANY CT ;LODI ;CA;95242
27. 02733005;SCHMIERER, MICHAEL H ;2438 BRITTANY CT ;LODI ;CA;95242
28. 05814001;TESORO REFINING & MARKETING CO;PO BOX 16290 ;HOUSTON;TX;77222
29. 05803002;LODI SOUTHWEST ASSOCIATES LP ;301 S HAM LN SUITE A ;LODI  
;CA;95242
30. 05814042;CHRISTIAN J KNOX & ASSOC INC ;633 E VICTOR RD SUITE E ;LODI  
;CA;95240
31. 05814044;FIRST LODI PLAZA ASSOCIATES ;100 SWAN WAY SUITE 206 ;OAKLAND  
;CA;94621
32. Ann Cerney
33. Remy Thomas, Moose and Manle , LLP
34. JIM MANION, LOWE'S, 1530 FARADAY AVENUE, SUITE 125, CALSBAD, CA. 92008



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** TO SET PUBLIC HEARING FOR JUNE 18, 2003 TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**LEGAL AD**

**PUBLISH DATE** SATURDAY JUNE 7, 2003


**TEAR SHEETS WANTED** Three (3) please

**SEND AFFIDAVIT AND BILL TO:**

SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P O Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, JUNE 5, 2003

**ORDERED BY:**

  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L TAYLOR  
DEPUTY CITY CLERK

JENNIFER M PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS: faxed to the Sentinel at 369-1084 at 10:39 am (time) on 6/5/03 (date) 2 (pages)  
Dora Phoned to confirm receipt of all pages at 11:40 (time) Jac PO Tricia Jen (initials)



## DECLARATION OF MAILING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNEMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUAL ACT**

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with **first-class** postage prepaid thereon, containing a Notice of Public Hearing to consider the appeal of Ann M. Cerney and Citizens of Open Government regarding the Planning Commission's approval of the **request** of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for **the** Vintner's Square Shopping Center pursuant to the California Environmental Quality Act marked Exhibit "A"; said envelopes were **addressed** as is more particularly **shown** on Exhibit "B" attached hereto.

There is a regular **daily** communication by mail between the City of Lodi, **California**, and the **places** to which said **envelopes** were addressed.

I declare under penalty of perjury that the foregoing is true and correct

Executed on June 5, 2003, at Lodi, California.


ORDERED BY:

**SUSAN BLACKSTON**  
**CITY CLERK, CITY OF LODI**

ORDERED BY

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK



## DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND  
CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING  
COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF  
LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT**

On Thursday, June 5, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set public hearing for June 18, 2003, to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is **true** and correct

Executed on June 5, 2003, at Lodi, California

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

  
\_\_\_\_\_  
Patricia Ochoa  
Administrative Clerk

\_\_\_\_\_  
Jacqueline L. Taylor  
Deputy City Clerk

\_\_\_\_\_  
Jennifer M. Perrin  
Deputy City Clerk



**DECLARATION OF MAILING**  
**LETTER TO APPELLANT**

**PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR**  
**OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE**  
**REQUEST OF JIM MANION, ON BEHALF OF LOWE'S TO CERTIFY A FINAL**  
**ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER**  
**PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, **envelopes** with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail **between** the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON**  
**CITY CLERK, CITY OF LODI**

ORDERED BY

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK